

REMARKS

In the action of April 18, 2006, the examiner rejected claims 25-29 and 35-38 under 35 USC § 102 as anticipated by Sorton; rejected claim 33 under 35 USC § 103 as unpatentable over Sorton in view of Fawcett et al.; rejected claims 20-24 under 35 USC § 103 as being unpatentable over Jensen. Claim 34 was allowed, while claims 30-32 were objected to.

In response, applicant has amended claims 20 and 25, and has added new claims 39-43. Note that amended claim 20 requires the step of "fixedly attaching the sheet material to the structure using attachment means while the sheet material is temporarily held in position between the magnetic surfaces of the holding devices and the magnetically receptive surface of the structure"; and the step of "removing the magnetic holding devices from the sheet material, the sheet material remaining permanently attached to the structure by said attachment means". Jensen discloses a device for protecting the surface of sheet material that is already permanently secured to the position. The examiner indicates that the Jensen device can be used for holding the sheet material at the corner against the support because the sheet material is clamped between the support and the device. However, Jensen does not disclose the claimed method steps for temporarily holding sheet material with a plurality of devices, permanently attaching the sheet material, and then removing the devices from the sheet material. Without a teaching of those specific method steps, claim 20, as well as the claims dependent thereon, is patentable over Jensen.

Claim 25 has been amended to specify that the retaining member is freely rotatable between an extended position in which the retaining surface projects outwardly from the elongate member generally perpendicularly to the substantially flat magnetic surface for retaining the device on a member of a building framework. The retaining surface does not project outwardly from the elongate member in the retracted position, and the surface of the retaining device remains within a single plane during rotation and at said retracted and extended position. Sorton teaches a retaining member 12 which first must be lifted away from member 32 to disengage from slot 34 and therefore is not freely rotatable and does not remain within a single plane. Further, the Sorton retaining member 12 is not perpendicular to the substantially flat magnetic surface in qny

position nor is it capable of retaining the device on a member of a building framework.

The advantage of the claimed retaining member is that it prevents the magnetic holding device from moving when in use. This is particularly applicable when placed along an upright beam. When subjected to wind loads, the retaining member locks against the edge of the beam, which minimizes lateral pull on the material being held. The magnetic holding device may be used to temporarily hold sheet material that is not rigid, such as tarpaulins, which can otherwise subject the retaining member to significant lateral loading under windy conditions. Similarly, when the magnetic holding device is placed along a horizontal beam at the top edge of the material being held, the retaining member prevents the device from sliding or being pulled downwardly. This is particularly advantageous if the holding device is additionally being used to hold other objects to the material such as power cables.

Equipment used in the building industry must be fast, easy and safe to use. Users are often balanced on ladders or scaffolding while installing sheet material, and this may occur under severe weather conditions. The retaining member of the present invention, which is freely rotatable while remaining in the single plane as it rotates between positions, allows the user to quickly and easily lock the retaining member onto a beam with one hand.

Accordingly, claim 25 is allowable, as are the claims dependent thereon.

New claims 39-43 are presented which are method claims using specific forms of the device. Those claims are also allowable over the cited references.

This is to request a three month extension of time. Enclosed is the required fee of \$510.

The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 07-1900.

Respectfully submitted,
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